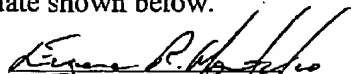


#12
10/10/02
AW.PATENT
TH-1213 (US)
ERM:SWT

I hereby certify that this correspondence is being transmitted via facsimile to the Assistant Commissioner for Patents, Washington, D.C. 20231, at the telephone set forth herein on or before the date shown below.


Eugene R. Montalvo

Date: October 9, 2002

Received

OCT 09 2002

Technology Center 2100

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

JANICE LYNN FARMER

Serial No. 09/306,135

Filed May 6, 1999

HAZARD COMMUNICATION SYSTEM

Group Art Unit: 2177

Examiner: Khanh Pham

October 9, 2002

**REQUEST TO DELETE IMPROPERLY ENTERED SUBSTITUTE SPECIFICATION
PURSUANT TO 37 C.F.R. §1.125 AND MPEP §§608.01(q), 714.25**

Via Facsimile (703) 746-5653

Hon. Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

On October 8, 2002, the undersigned Attorney received a telephone call from the Examiner in this case, Mr. Khanh Pham. Examiner Pham stated that the Patent Office had received a Request for Continued Examination (Paper No. 9), a Preliminary Amendment (Paper No. 10), and a substitute specification (Paper No. 11). Moreover, Examiner Pham indicated that Paper No. 11 included what appeared to be handwritten comments thereon.

Attorney has reviewed the correspondence that was sent and believes that Paper No. 11 represents a copy of Attorney's work copy of the specification. Attorney did not intend to send Paper No. 11 to the USPTO. After investigation, Attorney has determined that Paper No. 11 was

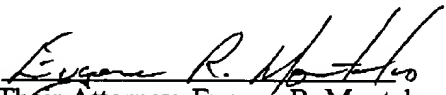
in a stack adjacent to Papers Nos. 9 and 10 and was erroneously copied and submitted with Papers Nos. 9 and 10. Attorney regrets that this office's action has caused the confusion.

However, Attorney respectfully submits that Paper No. 11 was improperly entered as a substitute specification, as it does not meet the requirements of 37 C.F.R. §1.125(b) and (c) and MPEP §608.01(q). Since Paper No. 11 was erroneously entered, pursuant to MPEP §714.25, the entry has no legal effect. Attorney respectfully requests the Examiner to delete improperly entered Paper No. 11 from the application file (see §714.25) and return it to Attorney or destroy it, whichever is most convenient for the Examiner.

Attorney thanks the Examiner for noticing the error. If there are any questions concerning this matter, the Examiner is invited to call the undersigned to discuss the issue.

Respectfully submitted,

Janice Lynn Farmer et al.

By: 
Their Attorney, Eugene R. Montalvo
Registration No. 32,790
(713)241-0296

P. O. Box 2463
Houston, Texas 77252-2463